

DEFERRED

1972

TOWNSHIP OF WALL  
ORDINANCE NO. 21 - 1989

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V, "GENERAL LICENSING" OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AS AMENDED AND SUPPLEMENTED PERTAINING TO THE LICENSING AND CONDUCT OF SPECIAL EVENTS WITHIN THE TOWNSHIP OF WALL.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Chapter V, "General Licensing" of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented by the addition thereto of the following section:

"5-9 SPECIAL EVENTS.

5-9.1 Determination. The Township Committee recognizes the need of residents of the Township and the business community to conduct occasional special events not otherwise specifically permitted under the Ordinances of the Township. The Township Committee further recognizes the need to appropriately regulate the nature, frequency and conduct of such special events in order to assure the health, safety and welfare of the residents of the Township and surrounding communities, as well as participants in such special events, and the Township Committee further recognizes that the Township and its physical facilities cannot accommodate such special events in the absence of reasonable regulations.

5-9.2 Definitions. As used in this section:

A. "Special event" shall mean, in reference to residential property: block parties for which all or a portion of a public

street is to be closed to traffic during the event, and individual "garage sales", "yard sales" or similar events to which the public is invited or attracted.

b. "Special event" shall mean, in reference to property used for commercial, industrial or other non-residential purposes: any event or activity which is to be conducted, in whole or in part, on the exterior of a premises; in a tent or other temporary structure; or in a required parking area, including by way of example and not limitation, tent sales; fairs and carnivals; air shows; outdoor activities; grand opening celebrations with outdoor entertainment or activities; sidewalk sales; events which are conducted entirely within a structure and which are unrelated to the principal use of the structure; and other similar events.

c. "Special event" shall not include the outdoor sale of merchandise on those properties where the outdoor display and sale of merchandise is permitted by the zoning ordinance or by a variance granted by the Board of Adjustment.

5-9.3 Permit Required. No person shall maintain, operate, conduct, promote by advertising or other means, or cause or permit the maintenance, operation or conduct of a special event within the Township without having first obtained a permit therefor from the Township Clerk as provided in this section.

5-9.4 Appliation; Time to Apply. A completed application for a permit under this section shall be submitted to the Township Clerk, together with the required application fee no later than 15 days prior to the first day of the proposed special event.

5-9.5 Application Information. In addition to any other information the Township Clerk may reasonably require from an applicant, the following information shall be contained in a permit application:

- a. The promoter's, producer's and property owner's full names, residence, and business addresses and telephone numbers, and whether the promoter, producer and property owner is an individual, partnership, firm, corporation, governmental unit or agency thereof. If a partnership, the names and addresses of the partners shall be included. If a corporation, the names and addresses of the officers of the corporation shall be included.
- b. The lot and block number, and street address of the proposed site for the event.
- c. A diagramatic sketch plan of the proposed site of the event showing the locations and dimensions of proposed service roads, entrances and exits, parking facilities, temporary structures, water and sanitary facilities, medical facilities, security facilities and fire prevention plans. If the event is to take place partially or entirely within a building, the application shall also include a floor plan thereof. All provisions for off-street parking shall also be shown on the sketch plan.
- d. A statement of the nature of the event and a program of scheduled attractions, if any, together with a schedule of the dates and hours of operation.

e. A certification of the consent of the property owner to the conduct of the event, if the property owner is not the applicant.

f. A statement of the number of persons expected to attend the event and the duration of such attendance.

5-9.6 Fee. Each applicant shall include an application fee to defray the Township's costs of review and investigation.

Application fees shall be as follows:

- a. For sepcial events such as garage or yard sales to be conducted on residential properties and for residential block parties, an application fee of \$10.00.
- b. For special events to be conducted on commercial properties, such as tent sales, auctions, or special promotions for a commercial purpose, an application fee of \$100.00.
- c. There shall be no fee for applications pertaining to special events to be conducted by tax exempt, non-profit charitable, religious, educational, fraternal or community organizations or by public entities.

5-9.7 Application Review Standards

a. In reviewing applications submitted pursuant to this section, and in determining whether a permit may be issued, the Township Clerk shall consider all items reasonably necessary to assure that the special event shall be consistent with the health, safety and welfare of the participants and residents of the Township, and in conformance with the requirements of this section and other applicable Township Ordinances. Particular consideration shall be given to the following:

- 1. Compliance with applicable land use and zoning

regulations.

2. Adequate water supply and sanitary facilities.

3. Adequate provisions for the storage and disposal of refuse and recyclable materials.

4. Adequate provisions for ingress and egress of vehicular and pedestrian traffic, as well as adequate provision for on site parking.

5. Provisions for adequate police, fire and medical emergency services.

6. Such other matters as may be reasonably necessary to consider the application.

b. The Township Clerk shall rely on the recommendations of the appropriate Township agencies and departments in reviewing applications pursuant to this section, and upon receipt of an application for a special event, the Township Clerk shall forward copies thereof to the Chief of Police, the Code Enforcement Officer, the Land Use Officer, the Construction Official, and the Fire Sub-Code Official for review and recommendations.

5-9.8 Issuance of Permit.

a. The Township Clerk shall, after reviewing the application for a permit pursuant to this section, issue a permit if it is concluded that the application complies with the regulations hereof and is consistent with the public health, safety and welfare of the community.

b. The Township Clerk may attach any conditions to the permit

reasonably necessary to insure compliance with the regulations of this section and the General Ordinances of the Township.

c. Copies of the permit shall be forwarded by the Township Clerk to the Land Use Officer, the Construction Official, the Chief of Police, the Board of Commissioners of the Fire District in which the special event will be conducted, and the volunteer First Aid Squad serving the property on which the event will be held.

5-9.9 Posting. The permit issued for a special event pursuant to this section shall be prominently displayed on the premises, and shall be visible to the general public during the entire event. The permit shall be available for inspection upon the request of any officer or agent of the Township.

5-9.10 Hours and Number of Special Events.

a. Special events shall be permitted to be conducted on any property not more than four (4) times per year, at non-consecutive intervals, for not more than seven (7) consecutive days per event.

b. Special events shall be permitted only between the hours of 9:00 a.m. and 12:00 midnight, prevailing time; provided, however, that a permit may be issued on the condition that the special event be conducted during reduced hours, should such reduced hours be necessary to insure the peaceful and quiet enjoyment of neighboring properties.

5-9.11 Permitted Structures.

a. Structures of a temporary nature, such as tents, grand

stands, chair rows, tables, booths and entertainment facilities reasonably necessary to service the needs of the event shall be permitted.

b. No structure shall be erected more than seven (7) days prior to the first day of the event, and all such structures shall be completely removed within seven (7) days after the last day of the event.

c. No structure shall be permitted unless proper zoning and building permits are obtained.

d. All temporary structures shall be erected entirely within the boundaries of the site of the event; shall comply with the height and property line setbacks of the Zoning Ordinance, and shall comply with all applicable building codes and regulations.

5-9.12 Refuse Disposal. Containers for the proper collection and disposal of trash, garbage and rubbish, as well as appropriate containers for all recyclable items, shall be provided for all events. All trash, garbage, debris and recyclable items shall be removed from the site of the event within two (2) days of the last day of the event in accordance with all applicable regulations.

5-9.13 Off-Street Parking. Off-street parking shall be provided, and appropriate ingress and egress aisles shall be maintained for all events. Access to the site for emergency vehicles shall be maintained at all times during the event.

5-9.14 Inspections. Designated representatives of the Township shall be permitted to inspect, at any time, the site of the

event for the purpose of investigating an application, and for the purpose of insuring compliance with the provisions of this section and all applicable regulations pertaining to the conduct of the event. The Township Clerk is authorized to revoke any permit for cause and specifically for the failure to comply with any condition imposed pursuant to this section.

5-9.15 Violations.

a. It shall be unlawful to operate a special event as defined herein without first obtaining a permit. Each day a special event is operated in violation of this section shall constitute a separate violation.

b. Any person who violates or fails to comply with any provision of this section, or any condition attached to a permit for a special event, shall be guilty of a violation of this section. Each day such a violation or failure to comply exists shall constitute a separate violation.

c. Any person who shall violate any provision of this section or any license condition shall, for each and every violation, be subject to a fine of not more than one thousand (\$1,000.00) dollars, or imprisonment for a period not exceeding ninety (90) days, or both; and shall also be subject to a term of community service for a period of not more than ninety (90) days.

5-9.16 Civil Action. Upon a violation of any of the provisions of this section, the Township may institute a civil action in a Court of competent jurisdiction for injunctive relief



to restrain the violation and for such further relief as the Court shall deem proper. In such an action, the Court may proceed in a summary manner, if necessary. Neither the institution of the action, nor any of the proceedings therein, shall relieve any person from the penalties prescribed for a violation of this section.

5-9.17 Enforcement. The Code Enforcement Officer and the Police Department shall be the officials responsible for the enforcement of this section and the rules and regulations established hereunder."

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 3. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon its passage and publication according to law.

#### NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on April 26, 1989 and will be further considered for final passage and adoption at the Court Room, Police Headquarters Building, Allaire Road, Wall, New Jersey, on May 10, 1989 at 8:00 p.m., or as soon thereafter as the matter can be reached on the agenda at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER  
Township Clerk

GILROY, CRAMER  
& McLAUGHLIN

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW